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Attorneys for Plaintiff Keith Murray

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KEITH MURRAY,

Plaintiff,

- against -

UNITED PARCEL SERVICE OF AMERICA, INC.,  
UNITED PARCEL SERVICE, INC., and UNITED  
PARCEL SERVICE CO.,

Defendants.

**Index No. 08 CV 02160  
(LAK)(DFE)**

UNITED PARCEL SERVICE, INC.,

Third-Party Plaintiff,

- against -

JOSE BEATO,

Third-Party Defendant.

PLEASE TAKE NOTICE that upon the annexed declaration of Adam Richards and the exhibits attached thereto, and the pleadings had herein, Plaintiff Keith Murray, by his attorneys Adam Richards LLC, will move this Court before the Honorable Lewis A. Kaplan, United States District Judge for the Southern District of New York, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6) dismissing the counterclaim of Defendants United Parcel Service of America, Inc., United Parcel Service, Inc. and United Parcel Service

Co. (collectively the “UPS Defendants”) for failure to state a claim upon which relief can be granted and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
August 15, 2008

ADAM RICHARDS LLC

By: /s Adam Richards  
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